

RESOLUTION NO: 24-07

TOWN OF BALDWIN
COUNTY OF SHERBURNE, MINNESOTA

APPROVAL OF A VARIANCE
FOR PID 01-00404-0440

WHEREAS, BoJack Properties, LLC has submitted a request for variance to allow installation of a Subsurface Sewage Treatment System (SSTS) with setback of less than required by the Town Building Ordinance from an existing well; and,

WHEREAS, the legal description of the property is Lots 8 and 9, Block 4, Elk Lake Estates, Baldwin Township; and,

WHEREAS, the property is guided for rural land uses by the Comprehensive Plan; and,

WHEREAS, the property is zoned R1, General Rural District and is also located within the Shoreland Overlay District of Elk Lake.

WHEREAS, the applicant is requesting a variance to allow installation of a new SSTS within the 50 foot setback of the OWHL required by Section XX-90-3.B.1 of the Zoning Ordinance.

WHEREAS, the Planning Commission must take into consideration the possible effects of the request with their judgment based upon (but not limited to) the criteria outlined in Section XX-6-3 of the Zoning Ordinance:

A. That the variance would be consistent with the comprehensive plan.

Finding: The continuation of the existing residential use upon the legal non-conforming lot is consistent with the Comprehensive plan.

B. That the variance would be in harmony with the general purposes and intent of this ordinance.

Finding: The proposed SSTS is to located to provide the greatest separation between the SSTS and existing well within the same lot in compliance with other applicable setback requirements.

C. That the plight of the landowner is due to circumstances unique to the property not created by the landowner.

Finding: The property was established as a lot of record prior to adoption of the current lot and setback requirements applicable to the installation of an SSTS.

D. That the purpose of the variance is not exclusively economic considerations.

Finding: The need for variance is to the legal non-conforming area, width, and depth of the property that make it not possible to comply with the setback requirement for an SSTS from Elk Lake and not economic consideration.

- E. That the granting of the variance will not alter the essential character of the neighborhood in which the parcel of land is located.

Finding: The properties surrounding the subject site are similar in dimension to the subject site and developed with single family dwellings utilizing SSTS for sewage treatment. Approval of the variance will not alter the character of the area in which the subject site is located.

- F. That the requested variance is the minimum action required to remedy the practical difficulty.

Finding: The proposed location of the SSTS is setback the greatest distance possible from the existing well within the same lot while complying with other applicable setback requirements.

- G. The potential for the variance to impact natural resources such as surface water, groundwater, or wetlands; sites identified for rare biological species habitat; ecologically sensitive areas; or historically significant areas.

Finding: The proposed location of the SSTS will not cause impacts to natural resources.

- H. No variance shall be granted that would allow for a lesser degree of flood protection than required by this ordinance.

Finding: Approval of the variance will not allow for a lesser degree of flood protection.

- I. Variances shall not be approved for any use that is not allowed under this ordinance for property in the zoning district in which the parcel or lot is located.

Finding: The existing single family dwelling is an allowed use within the zoning district established for the subject site by the Zoning Ordinance.

WHEREAS, the Planning Commission conducted a public hearing at their meeting on 28 February 2024 to consider the application, preceded by published and mailed notice; based upon review of the application and evidence received, the public hearing was closed and the Planning Commission voted to recommend that the Town Board approve the request based on the aforementioned findings.

WHEREAS, the planning report dated 11 March 2024 prepared by the Town Planner, The Planning Company LLC, is incorporated herein.

DECISION: Based on the foregoing information and applicable ordinances, Town Board hereby **APPROVES** the application, subject to the following conditions:

1. Installation of the SSTS shall be installed in accordance with Chapter 4 of the Building Ordinance subject to review and approval of the Building Official except as modified by the variance.

ADOPTED by the Town Board of Baldwin Township this 18th day of March, 2024.

MOTION BY: *Lawrence*

SECOND BY: *Case*

ALL IN FAVOR: *All*

THOSE OPPOSED: *None*

Jeff Holm Absent

BALDWIN TOWNSHIP

BY: 

Jay Swanson, Chair

ATTEST:

BY: 

Joan Heinen, Town Clerk/Treasurer